

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DMAN THOMAS,	§	
	§	
Plaintiff,	§	Civil Action No. 4:19-CV-01941
	§	
v.	§	
	§	
ARGOS USA LLC,	§	
	§	
Defendant.	§	JURY DEMANDED
	§	

**JOINT MOTION TO APPROVE SETTLEMENT
AND DISMISS LAWSUIT WITH PREJUDICE**

The Parties jointly request that the Court approve their proposed settlement agreement involving Fair Labor Standards Act claims and dismiss this lawsuit with prejudice. In support of this Motion, the Parties jointly state as follows:

1. On May 29, 2019, Plaintiff filed his Complaint asserting individual and collective claims arising from Defendant's alleged failure to pay proper overtime wages under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* ("FLSA"). (Dkt. No. 1.)
2. On June 26, 2019, Plaintiff filed his Motion for Conditional Certification seeking to represent a group of other alleged similarly-situated individuals. (Dkt. No. 5.)
3. On August 12, 2019, Defendant filed its Answer and Motion to Dismiss Plaintiff's Collective Action Claims. (Dkt. Nos. 12-14.)
4. On August 12, 2019, Defendant also filed its Opposition to Plaintiff's Motion for Conditional Certification. (Dkt. No. 15.)

5. On October 16, 2019, the Court issued an order granting Defendant's Motion to Dismiss Collective Action Claims, and denying Plaintiff's Motion for Conditional Certification. (Dkt. No. 23.) As such, pursuant to the Court's order, this lawsuit was rendered a single-plaintiff FLSA case. (*Id.*)

6. To avoid further litigation costs and uncertainty, and without any admission of liability or fault on behalf of Defendant, the Parties have reached a fair and reasonable settlement of all Plaintiff's individual claims raised in this lawsuit. Although there is a bona fide dispute between the Parties, the Parties believe the settlement reached is a fair and reasonable resolution of such dispute.

7. The Parties' proposed settlement includes an agreed upon payment of back wages and other non-wage damages to Plaintiff based on an agreed-upon formula. A copy of the Parties' *Settlement Agreement and Release* ("Settlement Agreement") is attached as Exhibit A.

8. WHEREFORE, the Parties jointly request that the Court approve the Settlement Agreement and dismiss this lawsuit with prejudice. The Parties request that the Court retain jurisdiction to enforce the Settlement Agreement.

9. For the Court's convenience, a proposed order is attached as Exhibit B.

[*SIGNATURE BLOCK ON FOLLOWING PAGE*]

Respectfully submitted May 15, 2020.

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May, 2020, a true and correct copy of the above and foregoing instrument was served upon counsel of record referenced below via the Court's notice of electronic filing service.

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